

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 24-mj-1148

ERIC NEWTON

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

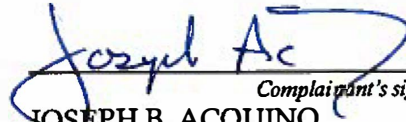
On or about July 11, 2024, in the Western District of New York, the defendant, **ERIC NEWTON**, did knowingly and intentionally possess with intent to distribute methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

On or about July 11, 2024, in the Western District of New York, the defendant, **ERIC NEWTON**, did knowingly and intentionally possess with intent to distribute 500 grams or more of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

On or about July 11, 2024, in the Western District of New York, the defendant, **ERIC NEWTON**, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, violations of Title 21, United States Code, Section 841(a)(1), committed in the manner set forth in the preceding paragraphs, the allegations of which are incorporated herein by reference, did knowingly and unlawfully possess a firearm, in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



Complainant's signature

JOSEPH B. ACQUINO
TASK FORCE OFFICER

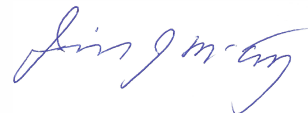
BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

Printed name and title

Sworn to and subscribed telephonically.

Date: July 11, 2024

City and State: Buffalo, New York



Judge's signature

HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I, **JOESPH B. ACQUINO**, Task Force Officer of Alcohol, Tobacco, Firearms and Explosives, having been duly sworn, states as follows:

INTRODUCTION AND AGENT BACKGROUND

1. Your affiant, Detective Joesph. Acquino, is a Task Force Officer with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), I am assigned to the Buffalo Field Office, New York Field Division. Your affiant has been employed with the Buffalo Police Department since August 2012 and has worked along with the ATF since 2018. I am currently a Detective in the Buffalo Police Department Intelligence Unit assigned to Violent Crime Reduction Partnership "VCRP". In these roles, I have acquired experience in the investigation and prosecution of violations of federal law, including federal firearms laws. My primary duties as a Task Force Officer include investigating violations of federal firearms laws such as individuals engaged in illegal firearm trafficking, unlawful possession of firearms, as well as the possession of firearms during the commission of drug trafficking crimes, investigate illegal gang activity and other crimes of violence.

2. This affidavit is submitted in support of a criminal complaint against Eric Newton, (hereinafter "Defendant"), for violations of Title 21, United States Code, Section 841(a)(1) (possession of a controlled substance with intent to distribute), and Title 18, United

States Code, Section 924(c)(1)(A)(i) (possession of a firearm in furtherance of a drug trafficking crime). The assertions made herein are based solely upon the personal knowledge of your affiant or upon information I have received from this investigation, including various police reports produced in relation to the arrest of the defendant. Further, I have had discussions with other law enforcement agents who have confirmed the accuracy of the information contained within this affidavit. Since this affidavit is being submitted for a limited purpose, I have not included each and every fact that I know concerning this investigation. Rather, I have set forth only those facts that relate to the issue of whether probable cause exists to believe that the defendant committed the above-mentioned offenses. In support thereof, I respectfully state the following:

3. This affidavit is intended to show that there is probable cause for the requested Criminal Complaint. It is not intended to be a complete statement of all known information of evidentiary value, and it does not purport to set forth all of my knowledge of, or investigation into, this matter. This affidavit is based on knowledge that I have gained from my participation in this investigation, as well as information from the following sources, among others: (1) oral and written reports and other supportive documentation about this investigation and others; and (2) conversations with federal, state, and/or local law enforcement agents and agencies. I have set forth only the facts I believe are necessary to establish the required foundation for the requested Criminal Complaint.

4. On July 10, 2024, law enforcement obtained a state search warrant signed by the Honorable Patrick M. Carney, Buffalo City Court Judge, for Eric NEWTON's residence at 214 Hagen Street, Lower, Buffalo, New York. On July 11, 2024, law enforcement observed NEWTON leave his residence at 214 Hagen Street Buffalo, New York. A traffic stop was

conducted, and NEWTON was placed into custody. Subsequently your affiant, along with members of the Buffalo Police Department Intelligence unit, executed the court-authorized search warrant at the location of 214 Hagen Street Lower, Buffalo, New York. SWAT announced their presence and called out occupants of the apartment, at this time Lakira Coleman was taken into custody outside of the premises. There were no other occupants in the residence.

5. After the location was secured, officers searched the residence. During the search of the rear bedroom law enforcement located a safe in the closet of this room. The safe was forced open and inside the following items were located:

- a. A photocopy of a Texas driver's license in the name of Eric NEWTON and dry cleaning receipts in the name of Eric NEWTON,
- b. (2) two pressed bricks of cocaine wrapped in plastic wrap,
- c. (1) one clear plastic bag containing large, pressed chunks of cocaine,
- d. (1) one clear plastic bag containing approximately a pound of a hard crystal-like substance believed to be methamphetamine,
- e. (3) small, knotted sandwich bags containing suspected narcotics, digital scales, narcotics packaging material
- f. (1) Kimber Mirco 9 STG 9mm handgun bearing serial number PB0194132, loaded with (3) three 380 caliber rounds and (5) five 9mm rounds of ammunition,
- g. (1) Springfield Armory XD 40 .40 caliber handgun bearing serial number US264126, loaded with (2) two rounds of .40 caliber ammunition,

- h. (1) one Ruger LCP II 380 caliber handgun bearing serial number 380135243 loaded with 4 rounds of .380 caliber ammunition.

6. Within the same closet as the safe approximately \$22,450 of United States Currency was located. On the bed of this room law enforcement located a marble notebook containing a ledger of suspected narcotics sales. Within the pages of this notebook was medical paperwork in the name of Eric NEWTON. In a backpack in this bedroom a digital scale and Pyrex measuring cup were found.

7. Your affiant performed a field test on portions of the cocaine seized from the residence. The field tests returned positive results for the presence of cocaine. Law enforcement determined the total weight of the cocaine seized from the residence to be over 2,300 grams.


8. BPD Detective Sheehan performed a field test on portions of the methamphetamine seized from the residence. The field tests returned positive results for the presence of methamphetamine. Law enforcement determined the total weight of the methamphetamine seized from the residence to be approximately 416 grams.

9. NEWTON, and Coleman were transported to the Buffalo Police Headquarters where they were placed in separate interview rooms. NEWTON was provided Miranda warnings acknowledge his rights and agreed to speak with investigators. In sum and substance NEWTON claimed ownership of the narcotics and firearms located in his apartment. NEWTON described the narcotics as two kilograms of cocaine and a pound of "ice".

10. Coleman was provided Miranda warnings Coleman acknowledged her rights and agreed to speak with investigators. In sum and substance Coleman denied any knowledge of the narcotics or firearms found in the apartment. Coleman stated she has sold marijuana in the past but never cocaine or other drugs.


11. Furthermore, based on my training and experience investigating narcotics trafficking and distribution, drug dealers commonly possess firearms to further their drug trafficking activity. Narcotics trafficking is an inherently dangerous business. As a result, drug dealers often obtain firearms and arm themselves to protect valuable narcotics, drug proceeds, and themselves from theft or violence. Here, NEWTON possessed a loaded Kimber Mirco 9 STG 9mm bearing serial number PB0194132, a loaded Springfield Armory XD 40 .40 caliber handgun bearing serial number US264126, and a loaded Ruger LCP II 380 caliber handgun bearing serial number 380135243. Simultaneously, NEWTON possessed a significant amount of cocaine, methamphetamine, electronic scale, narcotics packaging materials, and a large amount of United States Currency. These facts are consistent with the defendant possessing the firearm in furtherance of drug trafficking.

12. Based on the above information, your affiant submits there is probable cause to believe that on July 11, 2024 in the City of Buffalo, County of Erie, Western District of New York, Eric NEWTON, violated Title 21, United States Code, Section 841(a) (possession of a controlled substance with intent to distribute), and Title 18, United States Code, Section 924(c)(1)(A)(i) (possession of a firearm in furtherance of a drug trafficking crime).


JOSEPH B. ACQUINO
Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to signed telephonically.

This 11th day of July, 2024



HONORABLE JEREMIAH J. MCCARTHY
United States Magistrate Judge